

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

LAQUINN GILMORE,

Plaintiff,

v.

Civil Action No. 3:21CV00010

JOSEPH WOOD AND JOHN DOES 1-5,

Defendants.

ANSWER

COMES NOW, your Defendant Joseph Wood, by counsel, and submits the following Answer to each paragraph in the Amended Complaint:

JURISDICTION

1. Defendant denies the allegations contained in Paragraph 1 of the Amended Complaint.
2. Defendant admits the allegations contained in Paragraph 2 of the Amended Complaint.

VENUE

3. Defendant admits the allegations contained in Paragraph 3 of the Amended Complaint.

PARTIES

4. Your Defendant is without information sufficient to admit or deny the allegations contained in Paragraph 4 of the Amended Complaint.
5. Defendant denies the allegations contained in Paragraph 5 of the Amended Complaint.
6. Your Defendant is without information sufficient to admit or deny the allegations contained in Paragraph 6 of the Amended Complaint.

FACTS

7. Defendant denies the allegations contained in Paragraph 7 of the Amended Complaint.
8. Defendant denies the allegations contained in Paragraph 8 of the Amended Complaint.
9. Defendant denies the allegations contained in Paragraph 9 of the Amended Complaint.
10. Defendant denies the allegations contained in Paragraph 10 of the Amended Complaint.
11. Defendant denies the allegations contained in Paragraph 11 of the Amended Complaint.
12. Defendant denies the allegations contained in Paragraph 12 of the Amended Complaint.
13. Defendant denies the allegations contained in Paragraph 13 of the Amended Complaint.
14. Defendant denies the allegations contained in Paragraph 14 of the Amended Complaint.
15. Defendant denies the allegations contained in Paragraph 15 of the Amended Complaint.
16. Defendant denies the allegations contained in Paragraph 16 of the Amended Complaint.
17. Your Defendant is without information sufficient to admit or deny the allegations contained in Paragraph 17 of the Amended Complaint.
18. Your Defendant is without information sufficient to admit or deny the allegations contained in Paragraph 18 of the Amended Complaint.

19. Defendant denies the allegations contained in Paragraph 19 of the Amended Complaint.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(First Amendment)

20. Defendant denies the allegations contained in Paragraph 20 of the Amended Complaint.

21. Defendant denies the allegations contained in Paragraph 21 of the Amended Complaint.

SECOND CAUSE OF ACTION

(unlawful detention)

22. Defendant denies the allegations contained in Paragraph 22 of the Amended Complaint.

23. Defendant denies the allegations contained in Paragraph 23 of the Amended Complaint.

THIRD CAUSE OF ACTION

(unreasonable force)

24. Defendant denies the allegations contained in Paragraph 24 of the Amended Complaint.

25. Defendant denies the allegations contained in Paragraph 25 of the Amended Complaint.

FOURTH CAUSE OF ACTION

(illegal search)

26. Defendant denies the allegations contained in Paragraph 26 of the Amended Complaint.

27. Defendant denies the allegations contained in Paragraph 27 of the Amended Complaint.

FIFTH CAUSE OF ACTION
(failure to intervene)

28. Defendant denies the allegations contained in Paragraph 28 of the Amended Complaint.

29. Defendant denies the allegations contained in Paragraph 29 of the Amended Complaint.

SIXTH CAUSE OF ACTION
(state claim for false imprisonment)

30. Defendant denies the allegations contained in Paragraph 30 of the Amended Complaint.

31. Defendant denies the allegations contained in Paragraph 31 of the Amended Complaint.

SEVENTH CAUSE OF ACTION
(state claim for abduction)

32. Defendant denies the allegations contained in Paragraph 32 of the Amended Complaint.

33. Defendant denies the allegations contained in Paragraph 33 of the Amended Complaint.

EIGHTH CAUSE OF ACTION
(state claim for assault and battery)

34. Defendant denies the allegations contained in Paragraph 34 of the Amended Complaint.

35. Defendant denies the allegations contained in Paragraph 35 of the Amended Complaint.

35.(sic) Defendant denies the allegations contained in Paragraph 35(sic) of the Amended Complaint.

AFFIRMATIVE DEFENSES

36. Defendant had probable cause to stop and to believe that Plaintiff committed a criminal offense in his presence and was entitled under the Fourth Amendment and Virginia law to investigate and even arrest Plaintiff without a warrant.

37. The duration of any stop or seizure of Plaintiff by Defendant was reasonable and justified under the Fourth Amendment and justified by the ordinary incidents to the stop.

38. Defendant asserts he is entitled to qualified immunity under federal law as to Plaintiff's alleged First, Second, Third & Fourth causes of action.

39. Defendant asserts he is entitled to qualified immunity under Virginia law as to Plaintiff's alleged Sixth, Seventh, and Eighth state law causes of action.

40. Defendant asserts that to the extent any proven conduct attributed to him in the Amended Complaint is negligent, he is entitled to sovereign immunity as to Plaintiff's claimed state law causes of action.

41. Defendant denies any allegations in the Amended Complaint not expressly admitted herein.

42. Defendant denies that Plaintiff is entitled to compensatory damages, attorney's fees, costs, or any other relief.

43. Plaintiff failed to mitigate.

Wherefore, your Defendant moves the Court to dismiss the Amended Complaint.

JOSEPH WOOD
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of June 2021, I electronically filed the foregoing Answer with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/Richard H. Milnor
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